

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5196 OF 2006

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Dated: 17-03-2006

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Between:

Bandi Ramesh Reddy and others

...PETITIONERS

AND

The District Level Committee, rep. By

Chairman, Kadapa District and 2 others

...RESPONDENTS

ORDER:

Petitioners question the action of the respondents in notifying the sand quarries Chinnadandulur Village (Sl.No.3) in Notification No.131/2005-A4, dt.2.3.2006 and holding auction to the extent of Chinnadandulur Village on 18.3.2006 as illegal and arbitrary.

Petitioners are agriculturists and residents of Peddadandulur Village, Jammalamadugu Mandal, Kadapa District having small extent of

lands adjacent to Chinnadandulur Village. It is stated that Penna River flows in between Chinnadandulur Village and Coromandal factory. The case of the petitioners is that Chinnadandulur village is notifying for public auction for lifting of sand and on the request made by the local M.L.A., the District Level Committee conducted a meeting on 12.5.2005 and resolved to issue notification. Aggrieved by the said action, the petitioners filed representation to the District Collector not to conduct auctions for Chinnadandulur Sand reach on the ground that if the sand quarrying is permitted the water level in the areas in and around the village would be depleted and there is no pathway for transportation of heavy vehicles through the lands.

Heard the learned counsel for the petitioners and the learned Government Pleader on behalf of the respondents.

There is no specific allegation as to whether any portion of the land of the petitioners is used for the said pathway. I am of the opinion that neither the Government nor the contractor can make use of the lands of the petitioners for the purpose of transportation of the sand. The only grievance of the petitioners is that without the report of the Ground Water Department sand quarrying could not be allowed in the said reach as it will adversely affect the ground water level and there will be acute shortage of drinking water.

The learned Government Pleader appearing on behalf of the respondents placed before the Court the report of the Ground Water Department in Lr.Rc.No.1787/Hg/SM/04, dt.14.7.2005 stating that the area was already surveyed for sand during the month of August, 2004 and recommended a patch in North-East corner of Chinnadanduluru village area is suitable for sand quarrying and the previous recommendation is enough for the said purpose. It is contended by the learned Government Pleader that the apprehension of the petitioners that the quarrying of sand in the said village would adversely affect the ground water level is without any justification.

I am of the opinion that after following the required formalities the

notification dated 2.3.2006 has been issued by the District Level Sand Committee, Kadapa for lease hold rights of quarrying and transporting of sand in respect of Chinnadandulur village.

In view of the aforesaid facts and circumstances of the case, I do not see any merit in this writ petition. The writ petition is accordingly dismissed. No order as to costs.

(V.ESWARAIAH, J.)

March 17, 2006.

kpr